

IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

**IN RE PUBLIC HOURS OF CLERK OF
COURT OFFICES**

ADMINISTRATIVE ORDER 2009-51

On November 12, 2009 and November 17, 2009, the Iowa Supreme Court entered Supervisory Orders pursuant to Iowa Court Rule 22.3 staffing clerk of court offices according to workload and availability of state funding. While every county will continue to have a clerk of court office, the Supreme Court ordered that clerk's offices in seven counties of Judicial Election District 5B will operate only on a part-time basis commensurate with staffing levels below two full-time employees. The remaining clerk of court offices with staffing levels of two or more full-time employees will operate on a full-time basis but these offices will be closed to the public on Tuesday and Thursday afternoons from 2:30 to 4:30 p.m. to allow employees time to work without interruption due to short staffing and furloughs. All clerks' offices will be closed on days of court closure as set forth in other orders. Because of these substantial reductions of public access and services due to these budget cuts, an Administrative Order is required.

NOW THEREFORE IT IS HEREBY ORDERED:

Judicial Election District 5B:

Seven clerk of court offices in Election District 5B shall operate only on a part-time basis commensurate with staffing levels and funding as follows:

COUNTY	PUBLIC OFFICE HOURS
Adair	Monday through Thursday 8:00 a.m. to 4:30 p.m. (closed from noon to 1:00 p.m.); and Friday 8:00 a.m. to noon
Adams	Monday & Wednesday 8:00 a.m. to 4:30 p.m. (closed from noon to 1:00 p.m.); and Thursday 8:00 a.m. to 4:00 p.m. (closed from noon to 1:00 p.m.)
Decatur	Monday through Friday 8:00 a.m. to 4:30 p.m. (closed noon to 1:00 p.m.)
Lucas	Monday, Tuesday, Wednesday & Friday 8:00 a.m. to 4:00 p.m. (closed noon to 1:00 p.m.); and Thursday 8:00 a.m. to noon
Ringgold	Monday, Thursday & Friday 9:00 a.m. to 4:00 p.m. (closed noon to 1:00 p.m.)
Taylor	Tuesday & Wednesday 8:00 a.m. to 4:30 p.m. (closed from noon to 1:00 p.m.); and Thursday 8:00 a.m. to 1:00 p.m.
Wayne	Monday through Thursday 9:00 a.m. to 4:00 p.m. (closed from noon to 1:00 p.m.)

When an office is closed pursuant to this order, the staff may continue to work behind closed doors or may be assigned to another office that is open. The staff may also take approved leave when the office is closed as required by this order. These offices shall not be accessible to the public or to the court when it is closed.

In addition, pursuant to paragraph 3 of the November 12, 2009 Supervisory Order, these offices may be closed with little or no advance notice to the public due to emergency conditions or unanticipated staff absence that make operation of the office unfeasible, unhealthy or unsafe. When this occurs, notice shall be posted on the door of the clerk's office and the Judicial Branch website, www.iowacourts.gov/District_Courts/DISTRICT_FIVE/News_AND_Announcements/

These hours of operation are effective immediately in Adams, Ringgold, Taylor and Wayne Counties. Reduced hours shall begin December 11, 2009 in the remaining counties of the Fifth Judicial District. Hours of operation may be reviewed in the future and modified for operational necessity by the chief judge.

a. Mental Health and Substance Abuse.

When a clerk's office is closed in these seven counties, court may remain in session. However, neither the court nor the public shall have access to the clerk's office. Thus, there shall be no means of immediate access to the district court for mental health and substance abuse commitment procedures prescribed in Iowa Code Sections 125.75, 125.81, 229.6 and 229.11. When these seven clerks' offices are closed, mental health and substance abuse commitment proceedings shall be presented to the nearest accessible magistrate or district associate judge except in Taylor County where the application shall be presented to an available judge or magistrate in a contiguous county.

b. Domestic Abuse Emergencies.

When a clerk's office is closed in these seven counties, the court shall be unavailable for the issuance of domestic abuse orders of protection pursuant to Iowa Code Section 236.4. Therefore, domestic abuse emergencies shall be conducted under the procedures for emergency orders in accordance with Iowa Code Section 236.6.

Judicial Election districts 5A, 5C and Union and Clarke Counties of 5B.

The clerk of court offices in Clarke and Union counties of Election District 5B and in all counties of Election District 5A and 5C shall be staffed for full-time operation from 8:00 a.m. to 4:30 p.m., but closed to the public from 2:30 p.m. to 4:30 p.m. on Tuesdays and Thursdays beginning on December 15, 2009. In these counties, court proceedings shall continue as scheduled for the duration of the workday. If a jury trial is in session, a staff person from the clerk's office will be made available to check out jurors as needed at the end of the trial/day upon receiving a communication by the judge, or court attendant as available. Judges, court reporters, juvenile court services staff and court administration staff may have access to and file orders with a clerk's office for proceedings conducted during or concluding in the afternoons at issue. But in no other case may other legal paperwork be filed with a clerk's office during the closure hours in order to allow the uninterrupted work time. Additionally, no writs or other documents will be issued, nor will payments be accepted or other business conducted by a clerk's office for public customers until the next day that the office of the clerk of court is open.

a. Mental Health and Substance Abuse Commitments.

On Tuesday and Thursday from 2:30 p.m. to 4:30 p.m., the clerk of court or the clerk's designee will not be available to assist applicants in completing an application for mental health or substance abuse commitment pursuant to Iowa code Sections 229.6 and 125.75. Therefore, there will be no means of immediate access to the district court by the procedures prescribed in sections 125.75, 125.81, 229.6 and 229.11. Therefore, all mental health and substance abuse commitment proceedings on Tuesday and Thursday afternoons from 2:30 p.m. until 4:30 p.m. beginning December 4, 2009 shall proceed by the emergency provisions of 125.91 and 229.22. The emergency application shall be presented to a magistrate or district associate judge except in Taylor County where the application will be presented to an available judge or magistrate.

b. Domestic Abuse Protective Orders.

1. For 5A and Union and Clark Counties on Tuesday and Thursday afternoons from 2:30 to 4:30 p.m., a judge will be available to issue temporary protective


orders pursuant to Iowa Code Section 236.4. In counties where a district court judge is assigned to preside on the applicable Tuesday or Thursday, the judge shall remain available until 4:30 p.m., and petitions for domestic abuse will be provided by the court to petitioners through the district court judge and court reporter. In counties where solely a district associate court judge is assigned to preside on the applicable Tuesday or Thursday, the judge shall remain available until 4:30 p.m., and petitions for domestic abuse will be provided by the court to petitioners through the district associate court judge and court reporter. In all such cases upon hearing, the judge or court reporter will file the Petition and any resulting Temporary Protective Order with the clerk's office, who will enter such order on the State Registry.

If a district or district associate court judge is not available in these counties on the applicable Tuesday or Thursday, or when the presiding and/or resident judge has notified the clerk's office that he or she will not be at the courthouse due to preapproved leave through the chief judge, clerk's staff shall leave petitions for domestic abuse relief, both juvenile and adult, on the counter or in envelopes attached to the door to their office. Signs, to be provided by court administration, shall be posted instructing petitioners to fill out the appropriate petition and contact court Administration at 1-800-532-1429. Upon locating an available judge, court administration shall contact the clerk's office where the petitioner is waiting, and have them fax the petition to the judge. Such judge will review the petition and fax back the resulting order to the applicable clerk's office. A staff member from the clerk's office will provide a copy of the order to the petitioner and enter, as appropriate, any resulting Temporary Protective Order on the State Registry.

2. In 5C Polk County on Tuesday and Thursday afternoons from 2:30 to 4:30 p.m., the court will be available to issue temporary protective orders pursuant to Iowa Code Section 236.4. Petitions for adult domestic abuse will be provided by the

court to petitioners through the district court judge and court reporter in either courtroom 412 or 413. Petitions for juvenile domestic abuse will be provided by the court to petitioners through a judge assigned to juvenile court. In all such cases upon hearing, the judge or court reporter will file the Petition and any resulting Temporary Protective Order with the clerk's office, who will enter such order on the State Registry.

So Ordered this 1st day of December, 2009.


ARTHUR E. GAMBLE, CHIEF JUDGE
Fifth Judicial District of Iowa

Copies to:

Marsha Ternus, Chief Justice
Michael Streit, Liaison Justice
David Boyd, State Court Administrator
Ken Bosier, IT Director
Elizabeth Baldwin, District Court Administrator
All Fifth Judicial District Judges
All Fifth Judicial District Magistrates
All Fifth Judicial Clerks of the District Court and staff
Marilyn Lantz, Chief Juvenile Court Officer
All Fifth Judicial District Asst. DCA's, Case Coordinators, Court Attendants and Judicial Assistants
All Fifth Judicial District Court Reporters
All Fifth Judicial District Juvenile Court Services Staff
All Fifth Judicial District County Sheriffs
All Fifth Judicial District County Attorneys
Polk County Youth Services
All Fifth District Boards of Supervisors
Polk County Bar Association
All Fifth Judicial District Mental Health Advocates
Wendy Rickman, DHS, Des Moines Area SAM
Tomas Rodriguez, State Public Defender
Valerie Wilson, Polk County Public Defender
Kathy Miller, Polk County Juvenile Public Defender
Mike Sorci, Youth Law Center